

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

30 JUL 30 PM 1:12

RICHARD JAMES JUNELETT
PETITIONER,
vs.
T. FELKER, WARDEN,
RESPONDENT.

AND W. WIERING
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

M

No. C 07-4542 RMW (PR)

MOTION TO DENY AND
DISMISS RESPONDENTS EX
PARTE APPLICATION FOR
EXTENSION OF TIME

I, THE PETITIONER, RESPECTFULLY REQUESTS THAT THIS COURT
DENY THE RESPONDENTS' EX PARTE APPLICATION FOR EXTENSION OF
TIME. THIS COURT MADE A RULING ON APRIL 28, 2008 GRANTING
PETITIONERS MOTION TO PROCEED IN FORMA PAUPERIS, ORDERING
RESPONDENT TO SHOW CAUSE WHY A WRIT OF HABEAS CORPUS SHOULD
SHOULD NOT BE ISSUED WITHIN SIXTY DAYS IN COMPLIANCE WITH RULE
S OF THE RULES GOVERNING SECTION 2254 CASES. NOT ONLY HAS
THE RESPONDENT FAILED TO DO SO AND GIVE A PLAUSIBLE
EXPLANATION WHY THE RESPONDENT IS IN NEED OF ADDITIONAL
TIME, BUT THE RESPONDENTS APPLICATION SEEMS TO HAVE BEEN
FILED WITH THIS COURT ON JUNE 26, 2008 WITHOUT SERVING
A COPY ON PETITIONER AND SIMULTANEOUSLY IT WAS GRANTED BY
THE COURT WITHIN FOUR DAYS WITHOUT ALLOWING PETITIONER A
REASONABLE OPPORTUNITY TO RESPOND TO RESPONDENTS EX PARTE
MOTION/APPLICATION FOR EXTENSION OF TIME.

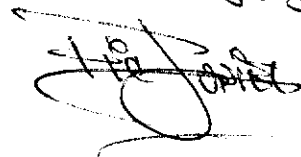
1 WITHIN THE RESPONDENTS EX PARTE APPLICATION FOR FIRST EXTENSION OF
2 TIME, THE RESPONDENTS ATTORNEY ASSERTS THAT SHE IS REQUESTING
3 THE ADDITIONAL TIME OF SIXTY EXTRA DAYS FOR THE SOLE REASONING
4 THAT HER CURRENT WORK LOAD COMPELS HER TO RESPOND TO OTHER
5 AND OTHERS CASES FIRST; CASES WHICH HAVE NO CONNECTION TO MY
6 CASE IN PARTICULAR. HOWEVER THIS COURT IS NEITHER OBLIGATED NOR
7 INCINED TO GRANT SUCH AN EX PARTE APPLICATION SIMPLY BECAUSE
8 A RESPONDENTS WORK LOAD IS FULL. IT IS CLEARLY REPREHENSIBLE
9 THAT THE RESPONDENT DID NOT TAKE THE LIBERTY OF CONTACTING ME
10 OR SERVING ME A COPY OF THE EX PARTE APPLICATION TO DISUADE,
11 HINDER AND PREVENT ME THE REASONABLE OPPORTUNITY TO RESPOND
12 OR FILE ANY OPPOSITION HITHERTO. FURTHER, I AM PARTICULARLY
13 PREJUDICED BY THE EX PARTE APPLICATION, ONE REASON BEING THAT
14 THE RESPONDENTS REQUEST FOR ADDITIONAL TIME WAS FILED WITH THE
15 COURT AND GRANTED BY THE COURT WITHIN FOUR DAYS OF BEING FILED
16 WITHOUT ALLOWING ME ANY OPPORTUNITY OR CHANCE TO FILE ANY
17 ANSWER IN RESPONSE TO THE EX PARTE APPLICATION FOR FIRST
18 EXTENSION OF TIME. THE RESPONDENTS' ATTORNEYS' REASONING FOR WHY
19 SHE HAS NOT COMPLIED WITH THE COURTS ORDER IS INEXCUSABLE
20 AND CONTRARY TO SEVERAL RULES OF THE RULES GOVERNING 2254 -
21 CASES. THE RESPONDENTS ATTORNEY FILED THIS EX PARTE APPLICATION
22 WITH THE COURT AT THE LAST MINUTE - JUST TWO DAYS BEFORE THE
23 SIXTY DAY ORDER TO SHOW CAUSE HAD EXPIRED, BARRELY MISSING THE
24 COURTS DEADLINE. WHEN TAKEN IN LIGHT WITH THE FACT THAT THE
25 RESPONDENTS ATTORNEY WAS WELL AWARE OVER A MONTH AGO THAT SHE
26 MAY NEED ADDITIONAL TIME TO FILE AN ANSWER, THIS EX PARTE
27 APPLICATION IS WHOLELY INSUFFICIENT AND SEEMS TO HAVE REACHED
28 FAR BEYOND ITS CAPACITY.

1 THEREFORE, THE PETITIONER PRAYS THAT THIS COURT WILL RECALL/REVERSE
2 ITS RULING AND DENY RESPONDENTS APPLICATION FOR AN EXTENSION OF
3 TIME. THANK YOU.

4
5 IN COMPLIANCE WITH THE COURTS ORDERS AND FEDERAL RULES OF
6 CIVIL PROCEDURES, THE RESPONDENTS COUNSEL HAS BEEN MAILED A
7 TRUE COPY OF THIS MOTION.

8
9 DATED: JULY 1, 2008
10
11
12
13
14

15 RESPECTFULLY SUBMITTED,
16 RICHARD J. JONES, PETITIONER.

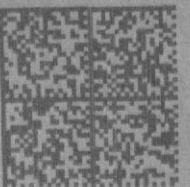
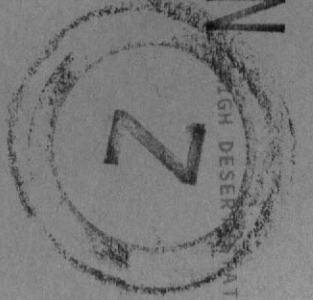
17 
18
19
20
21
22
23
24
25
26
27
28

Mr. Kenneth J. Doherty Jr.
#118808 #167
High Desert State Prison
P.O. Box 750
San Ysidro, CA 96124

LEGAL MAIL

CONFIDENTIAL
LEGAL MAIL

STATE PRISON



usps

049J820
\$01.00
07/21/2
Mailed From
US PS

Delivered to wrong address
Please forward

To: United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102-3664

[Handwritten signature]

LEGAL MAIL

LEGAL MAIL